

REGULAR CITY COUNCIL MEETING
FEBRUARY 10, 1992

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member

ABSENT

Rex Harris	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Public Works Director	Neil Forster
Rita Byrd	Public Works Secretary
Carol Howell	City Secretary
Doyle Bender	City Employee
Richard K. Turner	Millard County Jr. Livestock
LeRoy Stephenson	Millard County Jr. Livestock
Bryce Ashby	Delta Fire Chief
Mike Shaw	Mountain Fuel
Boy Scouts of America	

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Gayle Bunker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

There were no minutes presented at this meeting.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief

discussion of the accounts payable, Council Member Gayle Bunker MOVED that the accounts payable be approved for payment as listed in the amount of \$36,107.72. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OLD BUSINESS

ATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY

Attorney Waddingham was not prepared to present this item.

NEW BUSINESS

ATTORNEY RICHARD WADDINGHAM: RESOLUTION AMENDING SECTION 18 OF THE PERSONNEL POLICY MANUAL FOR THE CITY OF DELTA, UTAH FOR THE PURPOSE OF ESTABLISHING VACATION TIMES AND ANNUAL LEAVES

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed resolution amending Section 18 of the Personnel Policy Manual establishing vacation times and annual leaves.

Attorney Richard Waddingham presented a proposed resolution entitled:

RESOLUTION NO. 92-208

A RESOLUTION AMENDING SECTION 18 OF THE PERSONNEL POLICY MANUAL FOR THE CITY OF DELTA, UTAH FOR THE PURPOSE OF ESTABLISHING VACATION TIMES AND ANNUAL LEAVES.

Following brief discussion, Council Member Robert Droubay MOVED to adopt Resolution No. 92-208. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Absent

Mayor Dafoe stated that the Resolution is retroactive to July 1, 1991. Mr. Dafoe then signed the resolution and it was attested by City Recorder Dorothy Jeffery.

MIKE SHAW, MOUNTAIN FUEL: MOUNTAIN FUEL PERMIT FOR CONSTRUCTION

Mayor Dafoe asked Mike Shaw, Mountain Fuel, to address the Council regarding a permit for construction within Delta City limits.

Mike Shaw displayed maps and presented an Application For Permit for construction of natural gas pipe lines within Delta City. Mr. Shaw said that the total distance of gas distribution mains is 125,825.0 feet and that construction is scheduled to begin March 15, 1992.

Discussion was held regarding Mountain Fuel's responsibility to maintain and repair asphalt that has settled after installation. Mr. Shaw said that the contractor is responsible for asphalt repairs for a one year period of time and that Mountain Fuel is responsible for the duration of their franchise.

Following discussion, Council Member Robert Droubay MOVED to approve Mountain Fuel's Application For Permit as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

LEROY STEPHENSON, MILLARD COUNTY JR. LIVESTOCK SHOW COMMITTEE MEMBER: STREET BANNER TO ADVERTISE LIVESTOCK SHOW

Mayor Dafoe asked LeRoy Stephenson, Millard County Jr. Livestock Show Committee Member, to address the Council regarding a street banner to advertise the Millard County Jr. Livestock Show.

LeRoy Stephenson asked Richard Turner to address the Council. Mr. Turner requested Council's permission to hang a street banner across Main Street to advertise the Millard County Jr. Livestock Show. The banner is two pieces of material that each measure 15 feet wide by 2 feet high. He said that the banner would be cut to allow the wind to blow through.

Mr. Turner said that they would like the banner hung two or three days prior to and during the Livestock Show.

Mayor Dafoe asked Public Works Director Neil Forster to express his concerns regarding street banners. Mr. Forster said that he was opposed to hanging banners across Main Street due to the danger they could cause and the liability that may incur. He reminded the Council of two incidents where the banners had fallen down onto traffic. One banner was hung with cable and it came down and the steel cable wrapped around a car and came close to pulling the light pole down and did damage to the light itself. Mr. Forster said that at that time he met with the Council and asked for their direction, and he was instructed not to allow any banners to be hung across Main Street. Mr. Forster assured the Council that the actual physical hanging of the banners is no problem, he is

concerned about the liability the City may incur if there is an accident caused by a banner coming down.

Following brief discussion, Council Member Robert Droubay MOVED to authorize the Millard County Livestock Show Committee to hang a banner across Main Street. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mr. Forster then asked for direction for other requests to hang banners across Main Street. The Council agreed that each request should come before the Council for consideration.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: SEWER LINE LOCATED AT 100 EAST IN CONJUNCTION WITH MILLARD SCHOOL DISTRICT

Mayor Dafoe asked Public Works Director Neil Forster to discuss the sewer line located at 100 East in conjunction with Millard School District.

Mr. Forster reported that he, Mayor Dafoe and Alan Riding met with Millard School District officials and their architect to review the drawings for their new Delta North Elementary School. He explained that, originally Delta City requested that the 10" sewer line located on 100 East be realigned turning the line at 100 North and 100 East and running it along 100 North, which would connect it into a line on 200 East and 100 North that flows into C Station. However, the architect proposed to leave the 10" sewer line in place under the new school building and upgrade that line. Two manholes, one at each end of the line under the school, would also be installed.

Mr. Forster said that he does not have a problem with upgrading the line but said that he prefers that the line be realigned as originally proposed. He further added that, in order to upgrade that line, the existing pipe would have to be replaced with ductile iron encased in PVC plastic pipe to keep invasive soils from coming in contact with the metallic pipe.

Council Member Gayle Bunker said that he is not in favor of the line remaining under the school building; but, if the sewer line does remain under the building, the School District should be responsible for the maintenance of the line under the building for the life of the building or they should reroute the line as originally proposed.

Council Member Robert Dekker said that he is opposed to upgrading the line and feels that the Millard School District should realign the sewer line and stand the cost of the realignment as previously agreed upon.

Following discussion, Council Member Gayle Bunker MOVED that if the sewer line is upgraded and left under the school building, the Millard School District stand 100% of the cost of maintenance and repair for the line under the school between the manholes for the life of the building or they reroute the sewer line to 100 North. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed by a majority with Council Member Robert Dekker voting No.

Mayor Dafoe said that he would send the Millard School District a letter stating the above decision of the City Council.

NEIL FORSTER, PUBLIC WORKS DIRECTOR: PROPOSAL FOR AIR TO GROUND SITE AT DELTA MUNICIPAL AIRPORT

Mayor Dafoe asked Public Works Director Neil Forster to present a proposal for an Air To Ground Site at the Delta Municipal Airport.

Neil Forster, Public Works Director, presented and discussed the following letter from Whalen & Company, Inc., 3333 Vincent Rd. Suite 216, Pleasant Hill, CA 94523:

I am writing on behalf of Clairtel Communications Group, L.P. Clairtel is licensed by the FCC to provide commercial air to ground communications service. The communications facility we proposed to construct on your property would be a ground station for this system. Whalen & Co., Inc. is acting as an agent for the Clairtel partnership in connection with the acquisition of leases and land use entitlement for these sites and the management of their construction. Enclosed please find a copy of an introduction letter from Clairtel.

Ideally, a space 30' x 40' would be suitable for our compound. The entire compound would be fenced. An 8' x 14' prefabricated fiberglass building would be used to house our equipment. A wooden pole approximately 60' tall (depending on local obstructions) would be placed inside the compound to accommodate the mounting of our antennas. We will need to bring electrical service and telephone lines to the shelter and have vehicle access from a public road.

Clairtel proposes a lease between Clairtel Communications Group, L.P., and The City Of Delta, Utah. We propose an initial term of there (3) years with the right to renew the lease for nine (9) additional terms of three years each. Clairtel typically pays from \$200 to \$500 per month for this type of facility.

After you have had a chance to review this proposal, please contact me at my Dallas office (214) 340-9693. As

you know our on air date is fast approaching, I would appreciate it if our efforts could result in obtaining all city approvals, as soon as possible.

Following discussion of the above proposal, Council Member Robert Droubay MOVED to authorize Attorney Richard Waddingham to prepare a contract between Delta City and Clairtel Communications Group, L.P. for an Air To Ground Communications Site At The Delta Municipal Airport. The lease amount will be \$375.00 per month and the contract is to be reviewed by the City Council every three years. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: APPOINTMENT OF PLANNING COMMISSION MEMBER

Council Member Gayle Bunker was not prepared to discuss this at this meeting; therefore, Council Member Gayle Bunker MOVED to table discussion of this item until the next Regular City Council Meeting. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: WAIVER OF CONFLICT OF INTEREST

Mayor Dafoe asked Attorney Richard Waddingham to discuss a Waiver Of Conflict Of Interest.

Attorney Richard Waddingham said that he wanted to notify the City Council that Mountain Fuel has asked to hire him on certain projects within the area. Mr. Waddingham informed Mountain Fuel that Delta City has a franchise with Mountain Fuel and he would have to obtain permission from the City Council to work for Mountain Fuel. Mr. Waddingham requested authorization from the City Council to represent Mountain Fuel through his private practice.

Council Member Robert Dekker MOVED to allow Attorney Richard Waddingham to represent Mountain Fuel on various projects within the area. However, the Council recognizes the potential conflict and if there is legal conflict between Delta City and Mountain Fuel, Mr. Waddingham is to terminate his representation with Mountain Fuel. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: APPOINTMENT OF DEPARTMENT HEADS

Mayor Dafoe explained that after each municipal election department heads are to be appointed. Mayor Dafoe then recommended that the following department heads be appointed:

Dorothy Jeffery	Recorder
Neil Forster	Public Works Director
Deborah Greathouse	Librarian
Richard Waddingham	City Attorney

Mayor Dafoe recommended that the appointment of City Treasurer be deferred until a future meeting. The following are not department heads; however, Mayor Dafoe recommended that the following City employees be appointed also:

Virginia Taylor	Deputy Recorder
Carol Howell	Deputy Treasurer
Alan Riding	Assistant Public Works Director

Council Member Gayle Bunker MOVED to appoint the above individuals as listed. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: DELTA CITY TREASURER

Mayor Dafoe recommended that the City Council meet in closed session for the purpose of discussing Delta City personnel.

Council Member Gayle Bunker MOVED to meet in closed session at 8:30 p.m. for the purpose of discussing Delta City personnel. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Alan Burraston	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Absent

Following closed session, Council Member Gayle Bunker MOVED to reconvene into Regular City Council Meeting at 8:45 p.m. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Attorney Waddingham stated that department heads serve at the will of the Mayor and governing body and asked Mr. Bender if he understood that. Mr. Bender said he understood.

Council Member Gayle Bunker MOVED to table the reappointment of the Delta City Treasurer. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Fire Chief Bryce Ashby was in attendance and asked to address the Council regarding his appointment as Delta City's Comprehensive Emergency Management Director. He said that he has talked with State officials regarding this position and they would like to meet with the Mayor and City Council to explain what is expected of Mr. Ashby and Delta City regarding emergency management. This item was scheduled for the next Regular City Council Meeting.

Mayor Dafoe said that he and Public Works Director Neil Forster met with Utah Department of Transportation (UDOT) officials to discuss the proposed By-Pass Road. UDOT said that they have set aside funding for the construction of that road but construction has not yet been scheduled.


Mayor Dafoe reminded the City Council that when this issue was presented to the City Council before, they were in favor of the By-Pass Road and they issued a letter to Millard County offering their support of the project. Mayor Dafoe asked the Council if they were still in favor of the By-Pass Road. The City Council members spoke in favor and will support the construction of the By-Pass Road.

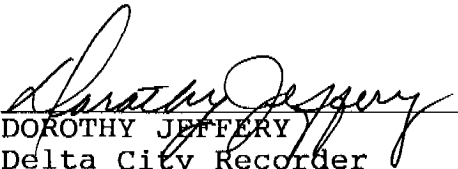
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Mayor Dafoe reported that City Recorder Dorothy Jeffery received a telephone call from Mr. DeSey, owner of the Rancho Mobile Home Park, regarding the purchase of the Rancho Mobile Home Park park area owned by Delta City. The Council discussed and decided on a purchase price of \$10,000.

Following discussion, Council Member Robert Droubay MOVED to offer to Mr. DeSey the park area owned by Delta City in the Rancho Mobile Home Park for an amount of \$10,000. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Robert Droubay MOVED to adjourn. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions

regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:00 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 2-24-92